IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9051 of 2005

Between:

N.c.ramana S/o.N.c.Chinna Narayana
R/o.Gondipalli Village, Gooty Mandal Anantapur District.

..... PETITIONER

AND

1 The Joint collector, Anantapur Anantapur District.
2 The Revenue Divisioanl Officer, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal Anantapur District.
4 Sri M.chinna Nagi Reddy S/o.Pedda Kambagiri
R/o.Gondipalli Village, Gooty Mandal, Anantapur Ditrict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Certiorari calling for records in and relating to the proceedings of the 1st respondent in Rc.No.K4/ATP/956/04 dt.30.3.2005 and quash the same after holding the same as illegal, arbitrary and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer of Gondipalli Village, Gooty Mandal, Anantapur District, pending enquiry before the 2nd respondent and to pass.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

-

-

-

-

-

ORAL ORDER:

Heard both sides.

This Writ Petition is filed for issuance of a writ of Certiorari calling for records in and relating to the proceedings of the first respondent in Rc.No. k4/ATP/956/04, dated 30.03.2005 and quash the same after holding the same as illegal, arbitrary and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer of Gondipalli Village, Gooty Mandal, Anantapur District, pending enquiry before the second respondent.

Brief facts of the case are that the petitioner was appointed as Fair Price Shop Dealer for Fair Price Shop at Gondipalli Village, Gooty Mandal, Anantapur District, in the year 1983. While so, the second respondent issued proceedings dated 2.8.2004 suspending the authorization of the petitioner, pending enquiry on the ground that the petitioner has charged 0.25 ps. more for rice, 0.50 ps. Moe for kerosene oil and distributed less quantity of rice to the cardholders. Aggrieved by the same, he preferred an appeal to the first respondent and the first respondent without considering the appeal on merits, remanded the mater to the second respondent. Aggrieved by the said order, the petitioner filed W.P.No. 14403 of 2004 and this court allowed the writ petition by setting aside the order of the first respondent and directed him to reconsider the appeal after giving an opportunity to the petitioner, by an order dated 16.8.2004. In pursuance of the orders of this court, the first respondent dismissed the appeal vide proceedings dated 30.3.2005 and the same was served on the petitioner on 11.4.2005. Aggrieved by the same, the present Writ Petition has been filed.

The learned counsel appearing for the petitioner submits that the first respondent while disposing of the appeal has not considered the aspect of balance

of convenience and hence, the order passed by the first respondent in his proceedings dated 30.3.2005 is illegal.

Considering the facts and circumstances the appellate authority has not satisfied the way in which the mater was disposed of and to put a finality to the proceedings, the appellate authority directed the Revenue Divisional Officer to take up enquiry and dispose of the disciplinary proceedings as per the provisions of A.P.P.D.S (Control) Order, 2001. Therefore, I see no illegality in the order passed by the first respondent.

Accordingly, the Writ Petition is disposed of with a direction to the Revenue Divisional Officer, Anantapur, Anantapur District to complete the enquiry in accordance with law, if not already completed, within a period of three months from today. No order as to costs.

_____

ELIPE DHARMA RAO,J

DATED: 25.04.2005

ka

To

1 The Joint collector, Anantapur Anantapur District.
2 The Revenue Divisioanl Officer, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal Anantapur District.
4 Sri M.chinna Nagi Reddy S/o.Pedda Kambagiri
R/o.Gondipalli Village, Gooty Mandal, Anantapur Ditrict.

5. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.

7. 1 CC to MR.SITA RAM